

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YOON DOELGER, and
PETER DOELGER,

Plaintiffs,

No. 1:21-cv-11042-AK

vs.

JPMORGAN CHASE BANK, N.A., and
CHICKASAW CAPITAL MANAGEMENT,
LLC,

Defendants.

**[PROPOSED] ORDER ON DEFENDANT JPMORGAN CHASE BANK, N.A.’S MOTION
FOR ENTRY OF PARTIAL FINAL JUDGMENT ON PLAINTIFFS’ CLAIMS AND
DISMISSAL WITHOUT PREJUDICE, OR A STAY, OF ITS COUNTERCLAIMS**

Defendant JPMorgan Chase Bank, N.A. (“JPMC”) having filed a motion for entry of partial final judgment on Plaintiffs’ claims under Federal Rule of Civil Procedure 54(b), and either a voluntarily dismissal of JPMC’s counterclaims without prejudice under Federal Rule of Civil Procedure 41(a)(2) or, in the alternative, a stay of its counterclaims during the pendency of any appeal of the partial final judgment, it is hereby **ORDERED**:

1. JPMC’s counterclaims (as set forth in Counts I–III of its Answer, *see* Doc. No. 25 at 93–96) are dismissed without prejudice to JPMC’s right to reassert those claims either (1) in this action if any of Plaintiffs’ claims are reinstated after appeal of any final judgment dismissing Plaintiffs’ claims, or (2) in any action Plaintiffs commence in which they assert the same or substantially similar claims.
2. In the event any of Plaintiffs’ claims are reinstated following an appeal of any final judgment dismissing Plaintiffs’ claims, JPMC’s counterclaims will, upon JPMC’s request, be reinstated *nunc pro tunc* to their status immediately prior to their dismissal

without prejudice pursuant to this Order.

SO ORDERED.

The Hon. Angel Kelley
U.S. District Judge

Dated: _____, 2024